

REMARKS

Claims 1-10 remain pending in the application. Upon entry of the present amendment, claims 1, 2, 5-7 and 10 will be amended. Entry of the present amendment, reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants wish to thank the Examiner for the interview he and his supervisor conducted with Applicants' U.S. representative on April 20, 2006. During the interview, Applicants' U.S. representative argued that mean value filtering, as disclosed by the applied Maeda et al. reference (U.S. Patent No. 6,169,282), does not compress image data, as recited in Applicants' independent claims 1, 6 and 7, and referred to an explanatory drawing Applicants had forwarded to the Examiner.

During the interview, the Examiner suggested that Applicants further define the next process determination in the claims. Applicants' U.S. representative noted that a distinction between Maeda and a method disclosed in Applicants' specification is that Applicants' method calculates a difference between a size of compressed digital data and a size of reference data, whereas Maeda's difference extraction circuit calculates a difference between gray levels of images. The Examiner agreed that this appears to be a distinction from Maeda, but indicated that further consideration would be needed.

As another matter, in a telephone conversation on May 16, 2006 between the Examiner and Applicants' U.S. representative, the Examiner confirmed that the Supplementary Amendment filed on February 21, 2006, in which claims 3 and 8 were amended, has been entered. However, if the Supplementary Amendment has not in

fact been entered, Applicants hereby respectfully request entry of the Supplementary Amendment.

In the Final Office Action, the Examiner rejects claims 1 and 3-5 under 35 U.S.C. §102(b) as being anticipated by Maeda et al. Applicants respectfully traverse the rejection for at least the following reasons.

Upon entry of the present Response, Applicants' independent claim 1 will recite a next process-determining method which includes, inter alia, digitizing a sample object into digital sample data, compressing the digital sample data, calculating a difference value between a size of the compressed digital sample data and a size of reference data formed by digitizing and compressing a reference sample object in the same manner as the sample object is processed, and identifying which of a plurality of predetermined numerical ranges the difference value corresponds to.

Maeda discloses a pattern inspection apparatus which includes a difference extraction circuit 49. See Figure 18. The difference extraction circuit 49 obtains a subtracted image $sub(x,y)$ by subtracting an image $f1(x,y)$ from an image $g1(x,y)$. See col. 11, lines 55-58. A defect judgment circuit 50 determines whether a pixel at a position (x,y) is a defect candidate based on whether the subtracted image $sub(x,y)$ is between upper and lower thresholds $thH(x,y)$ and $thL(x,y)$. See col. 13, lines 15-25.

Applicants respectfully submit that Maeda's subtracted image $sub(x,y)$ is not a difference between a size of image $f1$ and a size of image $g1$. Rather, Applicants submit that Maeda's subtracted image $sub(x,y)$ corresponds to a difference between gray levels of a pixel at a position (x,y) in image $f1$ and a pixel at a corresponding position (x,y) in image $g1$. See, for example, col. 12, lines 30-34, where Maeda

discloses that a value $dx1(x,y)$, which is calculated by subtracting $f1(x,y)$ from $f(x+1,y)$, corresponds to a change rate of gray levels of image $f1$ between a pixel at a position (x, y) and a pixel at a position $(x+1,y)$.

In contrast, Applicants' claimed next process-determining method involves calculating a difference value between a size of compressed digital sample data and a size of reference data, and identifying which of a plurality of predetermined numerical ranges the difference value corresponds to. See, for example, lines 2-21 at page 23 of Applicants' specification, where an example is disclosed in which it is determined whether a calculated difference data amount D_{CB} is within a tolerance range of 30kb.

Thus, Applicants respectfully submit that Maeda fails to disclose or suggest a next process-determining method which includes calculating a difference value between a size of compressed digital sample data and a size of reference data, and identifying which of a plurality of predetermined numerical ranges the difference value corresponds to, as recited by Applicants' amended independent claim 1.

For at least these reasons, Applicants respectfully submit that Maeda fails to anticipate Applicants' amended independent claim 1, and thus respectfully request the Examiner to withdraw the 35 U.S.C. §102(b) rejection and allow claim 1.

Dependent claims 3-5 are also submitted to be in condition for allowance, at least in view of their dependency on independent claim 1.

In the Final Office Action, the Examiner rejected claims 2 and 6-10 as being unpatentable over Maeda et al. in view of Streater (U.S. Patent No. 5,831,677). Applicants respectfully traverse the rejection for at least the following reasons.

Streater is directed towards a method of processing digital video information after compression. Applicants respectfully submit that Streater fails to overcome the above-noted deficiencies of Maeda. That is, Applicants submit that the combination of Maeda and Streater fails to disclose or suggest a next process-determining method which includes calculating a difference value between a size of compressed digital sample data and a size of reference data, and identifying which of a plurality of predetermined numerical ranges the difference value corresponds to, as recited by Applicants' amended independent claim 1.

For at least these reasons, Applicants respectfully submit that dependent claims 2 and 8-10, which depend from claim 1, are in condition for allowance. Thus, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of claims 2 and 8-10.

Upon entry of the present amendment, Applicants' independent claim 6 will recite an inspecting method that picks up an image of an object to be inspected and digitizes the picked-up image to image data formed of pixel data, which includes, inter alia, compressing the image data into compressed image data, calculating a difference value between a size of the compressed image data and a size of reference data, and identifying which of a plurality of predetermined numerical ranges the difference value belongs to.

As discussed above, it is submitted that the combination of Maeda and Streater fails to disclose or suggest a method in which a difference value between a size of compressed image data and a size of reference data is calculated. Thus, Applicants respectfully submit that the combination of Maeda and Streater fails to disclose or

suggest an inspecting method which includes calculating a difference value between a size of compressed image data and a size of reference data, and identifying which of a plurality of predetermined numerical ranges the difference value belongs to, as recited in Applicants' amended independent claim 6.

Applicants' independent claim 7 recites an inspecting apparatus which includes, inter alia, a data processor that compresses image data, a storer that stores a plurality of numerical ranges which are associated in advance with predetermined processes and a size of reference data, a calculator that calculates a difference value between a size of the image data compressed by the data processor and the size of the reference data stored in the storer, and a controller that identifies which of the plurality of numerical ranges stored in the storer the calculated difference value belongs to.

For similar reasons as those discussed above, Applicants submit that the combination of Maeda and Streater fails to disclose or suggest an inspecting apparatus which includes a storer that stores a size of reference data, a calculator that calculates a difference value between a size of image data compressed by a data processor and the size of the reference data stored in the storer, and a controller that identifies which of a plurality of numerical ranges the calculated difference value belongs to, as recited in Applicants' amended independent claim 7.

For at least these reasons, Applicants respectfully submit that the method recited in Applicants' amended independent claim 6, and the apparatus recited in Applicants' amended independent claim 7, are not obvious in view of Maeda and Streater. Thus, Applicants respectfully request the Examiner to withdraw the 35 U.S.C. §103(a) rejection of claims 6 and 7, and allow these claims.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Applicants recognize that the current status of the present application is after-Final. However, Applicants respectfully submit that entry of the present amendment is proper under the current circumstances, as it is respectfully submitted that the present amendment does not raise new issues requiring further search and/or consideration, and places the application in condition for allowance.

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

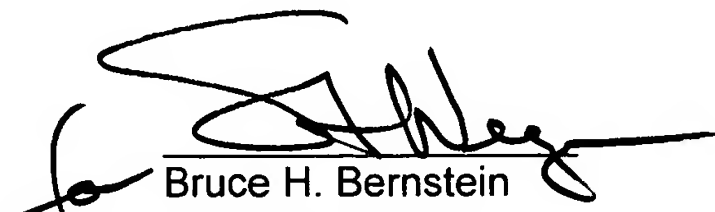
Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

P22032.A06

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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